

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DONALD C. HUTCHINS)
Plaintiff)
v.) Civil Action: **04-30126-MAP**
CARDIAC SCIENCE, INC., et al;)
Defendants)

**PLAINTIFF'S ASSENT TO DEFENDANT'S MOTION REQUESTING THIS
COURT TO TAKE JUDICIAL NOTICE OF DECISION OF CUYAHOGA
COUNT, OHIO, COURT OF COMMON PLEAS**

The Plaintiff, Donald C. Hutchins assents to Defendant Complient Corporation's Motion Requesting this Court to Take Judicial Notice of Decision of Cuyahoga County, Ohio, Court of Common Pleas. To allow this Court the opportunity to gain a fuller understanding of Ohio Case No. 540066 and the "identical issues" cited in Defendant's Motion, Plaintiff respectfully requests that the Defendant provide this Court with a copy of the case file certified by the Cuyahoga County Clerk of Court.

A proposed Order is attached hereto.

Donald C. Hutchins, Pro Se

Dated: October 4, 2005


1047 Longmeadow Street
Longmeadow, Massachusetts 01106
(413) 567-0606

CERTIFICATE OF SERVICE

I, Donald C. Hutchins, 1047 Longmeadow Street, Longmeadow, Massachusetts 01106, hereby certify that I served a copy of the foregoing on the appropriate party by sending a copy by U.S. First Class Mail to:

John J. Egan, Esq.
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and

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Dated: 10/4/05



Donald C. Hutchins

UNITED STATES DISTRICT COURT
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)

DEFENDANT'S ASSENTED TO MOTION IS ALLOWED

The Court makes the following finding and order on the Defendant's Motion Requesting This Court to Take Judicial Notice of Decision of Cuyahoga County, Ohio, Court of Common Pleas:

The Court finds that there is sufficient evidence to show that Complainant is entitled to its request that this Court take judicial notice of the decision of Cuyahoga County, Ohio, Court of Common Pleas. The Defendant's Motion is allowed.

To furnish this Court the opportunity to gain a fuller understanding of Ohio Case No. 540066 and the "identical issues" cited in Defendant's Motion, Defendant is ordered to provide this Court with a copy of the case file certified by the Cuyahoga County Clerk of Court.

Justice of the United States District Court

Dated: _____